



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,568	02/17/2005	Olaf Joeressen	915-006.048	2435

4955 7590 08/23/2007
WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

YOUNG, JANELLE N

ART UNIT	PAPER NUMBER
----------	--------------

2618

MAIL DATE	DELIVERY MODE
-----------	---------------

08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/505,568

Applicant(s)

JOERESSEN, OLAF

Examiner

Janelle N. Young

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 & 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show item description as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **24** and **26**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

3. Applicant's arguments with respect to claims 1-14 and 16-25 have been considered but are moot in view of the new ground(s) of rejection.

Struble teaches a method for operating a personal mobile terminal apparatus having an application and wherein the personal mobile terminal apparatus can access at least one data connection, comprising the steps of: obtaining properties of at least one of a number of different types of data connection accessible from the mobile terminal apparatus; wherein said at least one data connection can be used by an application of said mobile terminal device, characterized by adapting a configuration of

the obtained application on the terminal apparatus in accordance with the information concerning a user's roaming; which reads on claimed properties, of at least one of a number of different types of data connections accessible from said mobile terminal device, wherein said configuration relates to a use of said at least one data connection by said application (Abstract; Col. 2, line 53 – Col. 3, line 33 and Col. 3, line 57-Col. 5, line 8 in correspondence with Col. 5, line 9 – Col. 6, line 20 of Struble).

Response to Amendment

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Struble (US Patent 6745253) and further in view of Focsaneanu et al. (US Patent 5828666).

As of claim 1, Struble teaches a method for operating a personal mobile terminal apparatus having an application and wherein the personal mobile terminal apparatus can access at least one data connection, comprising the steps of: obtaining properties of at least one of a number of different types of data connection accessible from the mobile terminal apparatus; wherein said at least one data connection can be used by

an application of said mobile terminal device, characterized by adapting a configuration of the obtained application on the terminal apparatus in accordance with the information concerning a user's roaming; which reads on claimed properties, of at least one of a number of different types of data connections accessible from said mobile terminal device, wherein said configuration relates to a use of said at least one data connection by said application (Abstract; Col. 2, line 53 – Col. 3, line 33 and Col. 3, line 57-Col. 5, line 8 in correspondence with Col. 5, line 9 – Col. 6, line 20 of Struble).

What Struble does not explicitly teach is a data exchanger and a number of different types of data connections.

However, Focsaneanu et al. teaches a data service provider; which reads on claimed data exchanger, configured to access at least one of a number of different types of data connections and an obtainer configured to obtain properties of one of said at least one of a number of different types of data connections accessible from said data exchanger (Col. 1, lines 20-63; Col. 2, lines 37-45; Col. 6, line 39-Col. 8, line 39; Col. 11, lines 3-13; and Col. 12, line 48-Col. 13, line 2 of Focsaneanu et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a multi-service access platform which permits the formation of a universal service network encompassing a plurality of telecommunication networks, as taught by Focsaneanu et al., in the locating and using a peripheral device and wirelessly transmitting data to a another device of Struble, because Struble already discusses a portable device receiving communications from the peripheral devices that

identify the device type and their availability and data transmission (Col. 3, line 56 – Col. 4, line 33 of Struble).

The motivation of this combination would be the effect of how a person can locate one or more peripheral devices and determine the functional capabilities of the devices so that the person can determine whether he or she wishes to use the devices, as taught by Struble in Abstract, because the mobile information society many context, location and application specific services would be made available to a person carrying a handheld device such as a cell phone, a PDA or any other handheld device that is capable of communicating within a defined coverage area within a system. Only the useful portion of the data is transmitted in the transport network. The transmission format can also be adapted at the access module (e.g. rate adaptation, protocol adaptation, application, etc.) to better match the terminals, transport, or service capability available (Col. 6, line 65-Col. 7, line 3 of Focsaneanu et al.). The incorporation of a multi-service access platform with wireless station transmitting the application specific message planning would not impact the transfer speed for a number of different types of data connections accessible from said data exchanger and allow the user to indicate a change in the service request, and/or can select a different action from the access module by using a sequence of low-level signaling schemes, e.g. hook flash or DTMF, or a message-based control communications scheme (Col. 13, lines 3-12 of Focsaneanu et al.).

As of claims 2-5 & 9, Struble teaches a method, wherein the properties are the identifiers; which reads on claimed identification of data connection, obtained when a

data connection, is selected, and the step of selecting an appropriate data connection and a the step of determining actually data connections, is a potentially accessible data connection, and wherein the properties are obtained during the determination. (Abstract; Col. 2, lines 54-63; Col. 4, lines 61-67; and Col. 4, lines 12-33 of Struble)

As of claims 6 - 8, Struble teaches a method, further comprising the detecting a data transfer to be performed by, step of starting an application on a personal mobile terminal apparatus prior to obtaining the properties and the step of determining active applications, and adapting configurations of the determined active applications. (Col. 4, line 55-Col. 5, line 8 and Col. 7, lines 24-58 of Struble)

As of claim 10, Struble teaches a software tool for adapting a configuration of an application of a mobile terminal, to an accessible voice, data, an/or multimedia communication; which read on claimed data connection, comprising technique; which reads on program code means, for carrying out the steps when program code of the program code means is run on a mobile terminal apparatus. (Col. 1, line 50 – Col. 2, line 7 and Col. 3, line 57-Col. 5, line 8 of Struble)

As of claim 11, Struble teaches a core program; which reads on claimed computer program, for adapting a configuration of an application of a mobile terminal to data connection, comprising program code means for carrying out the when program code of the program code means is run on a mobile terminal apparatus' processor. (Col. 1, line 50 – Col. 2, line 7 and Col. 3, line 57-Col. 5, line 8 of Struble)

As of claim 12, Struble teaches a database; which reads on claimed computer program product, comprising program code means stored on a ROM (Read Only Memory); which reads on claimed computer readable medium; for carrying out the method when program code of the operation of computer program means, is run on a wireless device; which reads on claimed mobile terminal apparatus. (Col. 2, line 53 – Col. 3, line 33 and Col. 6, line 49-Col 7, line 23 of Struble)

Regarding claim 13, see explanation as set forth regarding claim 1 (method claim) because the claimed wireless device or personal mobile apparatus would perform the method steps.

As of claim 14, Struble teaches a wireless device; which reads on claimed apparatus, further comprising means for storing the configuration and selecting one of the at least one accessible data connections. (Col. 6, lines 30-53 of Struble)

As of claim 16, Struble teaches a wireless device; which reads on claimed apparatus, comprising: an access subsystem, responsive to a selection signal, for selecting at least one packet; which reads on claimed access system, from among a plurality of selectable access systems; a media selection subsystem for providing the selection beacon signal; an application subsystem having at least one application; and a configuration server, responsive to the selection signal, for selecting a wireless communication; which read on claimed data connection, for the at least one application. (Abstract; Col. 2, line 53 – Col. 3, line 33 and Col. 3, line 57-Col. 5, line 8 in correspondence with Col. 5, line 9 – Col. 6, line 20 of Struble)

As of claims 17-20, Struble teaches a portable computing device; which reads on claimed apparatus, wherein the selection signal is provided only if a data transfer is to be executed along with the connection being available, and the connection is available and actually required. (Col. 2, line 53 – Col. 3, line 33 in respect to Col. 7, lines 12-58 of Struble).

Regarding claim 21, see explanation as set forth regarding claim 1 (method claim) because the claimed wireless device or personal mobile apparatus would perform the method steps.

As of claim 22, Struble teaches a wireless device; which reads on claimed apparatus, further comprising a selector configured to select one of said at least one accessible data connections (Col. 7, lines 12-58 of Struble).

As of claim 23, Struble teaches a wireless device; which reads on claimed apparatus, further comprising a storage and/or database; which reads on claimed storer, configured to store said configuration of said at least one application for said at least one accessible data connection (Col. 1, line 50 – Col. 2, line 7 and Col. 3, line 57- Col. 5, line 8 in correspondence with Col. 2, line 53 – Col. 3, line 33 and Col. 6, line 49- Col 7, line 23 of Struble).

As of claim 24, Focsaneanu et al. teaches a wireless device; which reads on claimed apparatus, comprising: means, responsive to a selection signal, for selecting at least one access system from among a plurality of selectable access systems; means for providing said selection signal; means for having at least one application; and means, responsive to said selection signal, for selecting a specific data connection for

said at least one application (Col. 8, lines 6-21; Col. 10, line 57-Col. 11, line 9; Col. 13, lines 3-12; and Col. 15, lines 10-28 of Focsaneanu et al.).

As of claim 25, Focsaneanu et al. teaches a wireless device; which reads on claimed apparatus, wherein said selection signal is provided only if a data transfer is to be executed (Abstract; Col. 3, lines 27-40 & 62-67; Col. 6, line 47-Col. 7, line 2; Col. 8, lines 40-54; Col. 14, lines 10-25 & 45-61 of Focsaneanu et al.).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stacey et al. (US Patent 6266342) relates to an adaptable adaptation resource module and operating method therefor, and is particularly, but not exclusively, applicable to a digital signal processing resource that is provisioned to support numerous different adaptation protocols. More especially, the present invention is pertinent to an adaptable interface of a broadband-narrowband network, and particularly between an asynchronous transmission mode (ATM) network and a narrowband communication system supporting trunk circuits in which adaptation is required between time division multiplexed (TDM) communication and ATM communication.

Ikonen et al. (US Pub 2006/0112414) relates to a coupling device to connect an external device, e.g. a mobile station, to a television receiver through a SCART or antenna connection using an LPRF link (e.g. Bluetooth). The coupling device contains the necessary electronics to receive the signal sent from the mobile station as an LPRF

Art Unit: 2618

radio signal and convert it to a format suitable for television. The coupling device can be built as a small adapter that attaches directly to the SCART connector of the TV. The coupling device can be arranged to be capable of e.g. relaying a signal from a video recorder to the TV and to replace the signal with a signal presenting the information sent by the mobile station.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-

Art Unit: 2618

2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Quochien B. Vuong 8/20/07

QUOCHIEN B. VUONG
PRIMARY EXAMINER

JNY
August 2, 2007